

United States Court of Appeals
For the First Circuit
CERTIFIED COPY

GA:04-12448
J. O'TOOLE

No. 05-1859

GMAC MORTGAGE CORPORATION,

Plaintiff, Appellee,

v.

JEFFREY L. BAYKO, SR., ET AL.,

Defendants.

Before

Boudin, Chief Judge,
Campbell and Stahl, Senior Circuit Judges.

JUDGMENT

Entered: December 8, 2005

At the motion of the United States, this appeal is dismissed as moot. We deny the request for vacatur, a gesture of limited utility given the many District of Massachusetts decisions rejecting the position taken by the United States. In view of the new interpleader action by the plaintiff, we need not order the district court to adjudicate the claims of the remaining parties.

Dismissed.

CERTIFIED COPY

I HEREBY CERTIFY THIS DOCUMENT
IS A TRUE AND CORRECT COPY OF
THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By: *Margaret Carter*

Date: 12-8-5

By the Court:

Richard Cushing Donovan, Clerk.

By: MARGARET CARTER
Chief Deputy Clerk.

[Cert. cc: Hon. George A. O'Toole, Jr. and Sarah A. Thornton, Clerk, U.S.D.C. of Massachusetts, cc: Rosen, Sullivan, Barnico, Hutter, Clark, Ms. Smith, Ms. Turanchik, Ms. McAuliffe and Ms. Ouimet-Rooke]